

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

F.L.B., et al.,

Plaintiffs,

v.

LORETTA E. LYNCH, et al.,

Defendants.

C14-1026 TSZ

MINUTE ORDER

A telephonic hearing having been conducted on January 14, 2016, during which plaintiffs were represented by Matt Adams, Theodore Angelis, and Stephen Kang, and defendants were represented by Leon Fresco, Vinita Andrapalliyal, Joseph Darrow, Nicole Murley, and William Silvis, the following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) For the reasons stated on the record, plaintiffs' motion to compel discovery of 230 "A" files, docket no. 213, is DENIED.

(2) For the reasons stated on the record, the following claims, which have been realleged in the Third Amended Complaint, are DISMISSED: (i) the claims of J.E.F.M., J.F.M., and D.G.F.M., which were previously dismissed with prejudice as moot, see Order (docket no. 174); (ii) the claims of G.J.C.P., which were previously dismissed without prejudice for lack of jurisdiction, see Order at 11 (docket no. 114); and (iii) the claim (designated as the first cause of action) for violation of § 240(b) of the Immigration and Nationality Act, 8 U.S.C. § 1229a(b), which was previously dismissed for lack of jurisdiction, see id. at 22.

(3) Plaintiffs' third motion to certify a class, docket no. 191, is DENIED without prejudice. The Court will issue a separate order explaining its reasons. Any renewed motion to certify a class, which will be plaintiffs' last opportunity to seek class certification, shall be filed by February 4, 2016, and noted for February 26, 2016.

1 (4) The deadline for defendants to file, in response to the Third Amended
2 Complaint, a motion to dismiss or an answer, is EXPEDITED to February 4, 2016. Oral
3 argument on defendants' anticipated motion to dismiss and plaintiffs' anticipated fourth
4 motion to certify a class is SCHEDULED for March 24, 2016, at 9:00 a.m.

5 (5) For the reasons stated on the record, defendants' motion to continue trial
6 and extend deadlines, docket no. 205, is GRANTED as follows. The date on which a
7 bench trial will commence is CONTINUED from May 2, 2016, to September 12, 2016.
8 Except as indicated in this Minute Order, all remaining related pretrial deadlines are
9 STRICKEN and will be reset after the Court rules on the anticipated motions to dismiss
10 and to certify a class. Defendants shall serve and file their rebuttal expert reports by
11 February 16, 2016. Counsel shall confer concerning the exchange of any surrebuttal or
12 supplemental expert reports. The deadline for defendants to serve and file a report by
13 their expert on plaintiffs' competency or capacity will be set after the Court rules on the
14 anticipated motions.

15 (6) The Clerk is directed to send a copy of this Minute Order to all counsel of
16 record.

17 Dated this 14th day of January, 2016.

18 William M. McCool
19 Clerk

20 s/Karen Dews
21 Deputy Clerk